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10/524,782	02/16/2005	Thomas Talanis	2002P13033WOUS	3400

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Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
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EXAMINER	
NGUYEN, PHONG H	

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/524,782	<b>Applicant(s)</b> TALANIS ET AL.	
	<b>Examiner</b> Phong Nguyen	<b>Art Unit</b> 2169	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 26 April 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

***Response to Arguments***

1. Applicant's arguments, filed April 26, 2007, with respect to the rejection(s) of claim(s) 19-37 under Carpentier have been fully considered and are persuasive.

Therefore, the rejection and objection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Lenz.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 19-37** are rejected under 35 U.S.C. 103(a) as being unpatentable over International Publication Number WO 01/18633 A issued to Paul R. Carpentier et al. ("Carpentier") in view of U.S. Patent Number 6,029,196 issued to Michael A. Lenz ("Lenz").

**As per claim 19**, Carpentier teaches an apparatus being responsive to control operation of a device according to one or more of the files (Page 19 line 32 – Page 20 line 3: Automatic behavior may be added to a descriptor file that performs certain actions when a descriptor file is used to retrieve files e.g. automatically send electronic mail or publish on web sites (control operation of a device)), the apparatus including

Art Unit: 2169

storage for storing the file directory (Fig. 17 #1026: Fixed disk is a storage for storing the file directory) , the file directory structure including:

a first hierarchy level and a second hierarchy level designed as a subordinate level of the first hierarchy level; (Page 16 lines 21-23: represents the descriptor file contains elements that were encrypted from the storage of the computer e.g. any hierarchy, folders and files. So the storage of the computer stores any hierarchy, any folders and any files resided in those folders. Therefore, the storage of the computer stores a first hierarchy level and a second hierarchy level designed as a subordinate level of the first hierarchy level is also taught by Carpentier).

a first file directory situated on the first hierarchy level; (Fig. 5 #310: Folder 310 is a first file directory)

a second file directory situated on the second hierarchy level; (Fig. 5 #342: Folder 342 is a second file directory) and

a first file situated on the first or the second hierarchy level or on a subordinate hierarchy level (Fig. 5 #310 #344: File 310 or file 344 are first files situated on the first or the second hierarchy level), wherein

the file directory structure is held in a second file, (Page 16 lines 21-23: descriptor file works like second file in the claim), wherein

each file directory and each file of the file directory structure is listed consecutively in the second file, ([Fig.5]: Folder Name 310, 342 and File Name 320, 340, 344 were represented in the descriptor file (second file)), wherein

each file directory and each file of the file directory structure is identified by at

Art Unit: 2169

least one characteristic start symbol and/or at least one characteristic end symbol, ([Fig.6A] "<" is characteristic start symbol, "</" or "/>" are characteristic end symbol) and wherein the contents of each file directory and each file in the file directory structure are stored in each case between the respective characteristic symbols ([Fig.6A] contents of folder "net" and file "FtpClient.class" were stored between the respective characteristic symbols.)

said file directory structure enabling the apparatus to operate as a web server (Carpentier teaches the descriptor file (second file) contains file directory structure can perform certain actions e.g. publication on web sites on Page 19 line 32 – Page 20 line 3. Therefore, enabling the apparatus to operate as a web server, which publishes those web sites, is also taught by Carpentier), thereby enabling remote access to control or change operation of the device (Page 40 lines 10-12: method embodiments of the present invention may execute over a network such as the Internet in conjunction with a remote CPU).

Carpentier does not explicitly indicate the apparatus configured to receive files and updates thereto through a communication network, with files assembled in the file directory structure as claimed.

Lenz discloses the clients are configured to receive configuration files from the server through a communication network and those configuration files are assembled and resided in the file directory on the server (Abstract).

Carpentier and Lenz are analogous art because they are from same field of endeavor of transferring files or data through communication network.

Art Unit: 2169

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus of Carpentier with the teaching of Lenz because it would store any information about client in one file so a system administrator has ability to configure and update remotely every client in the network with one file (Abstract lines 1-3 from Lenz).

**As per claim 20**, Carpentier and Lenz teach the apparatus to claim 19 as discussed above. Carpentier teaches an Internet-compatible language is used for describing the file directory (Page 20 lines 4-5: descriptor file (second file) was written using an application of XML. XML also is an Internet compatible language).

**As per claim 21**, Carpentier and Lenz teach the apparatus to claim 19 as discussed above. Carpentier teaches the second file, in which the file directory structure is stored, is an XML file and the XML language is used for the purpose of description (Page 20 lines 4-5: descriptor file (second file) was written using an application of XML).

**As per claim 22**, Carpentier and Lenz teach the apparatus to claim 21 as discussed above. Carpentier teaches the XML language is used for the file directory structure (Page 20 lines 4-5: the descriptor file (second file) contains the file directory structure, so XML language also is used for describing the file directory structure).

**As per claim 23**, Carpentier and Lenz teach the apparatus to claim 19 as discussed above. Carpentier teaches a new line is used both for each characteristic start symbol and for each characteristic end symbol in the second file (Fig. 6A: new line is used both for characteristic symbols "<", "</" and ">").

**As per claim 24**, Carpentier and Lenz teach the apparatus to claim 19 as discussed above. Carpentier teaches the designation of the relevant file directory or of the relevant file is used as a characteristic start symbol, and the designation of the relevant file directory or of the relevant file is used as a characteristic end symbol and a predeterminable character is added as a prefix (Fig.6A: <eclipcontents>, </eclipcontents>, <hfm1>, </hfm1>, <folder>, </folder> are used as a characteristic start symbol and characteristic end symbol. This technique also is well known in XML art).

**As per claim 25**, Carpentier and Lenz teach the apparatus to claim 19 as discussed above. Carpentier teaches the second file includes further sections having other contents, said further sections being identified or separated in each case by at least one characteristic start symbol and at least one characteristic end symbol (Page 19, lines 30-31: any relevant information (further sections having other contents) may automatically be added to the descriptor file).

**As per claim 26**, Carpentier and Lenz teach the apparatus to claim 25 as discussed above. Lenz teaches configuration data is stored in at least one of the further

sections of the second file (Column 1, lines 58-60: The file contains information for setting the client's lock files, e.g. preferences, configuration information (configuration data)).

**As per claim 27**, Carpentier and Lenz teach the apparatus to claim 25 as discussed above. Lenz teaches result codes and/or error codes are stored in at least one of the further sections of the second file (Column 1, lines 58-60: The file contains information for setting the client's lock files, e.g. preferences (result codes and/or error codes), configuration information).

**As per claim 28**, Carpentier and Lenz teach the apparatus to claim 19 as discussed above. Carpentier teaches the apparatus comprises a mechanism for receiving and/or storing the second file via a communication network. (Fig.15 #972, #962, #974, #966 and #968: User Computer 972, 962 and Server Computer 974, 966 are receiving and storing the second file, LAN and Internet 968 are communication network).

**As per claim 29**, Carpentier and Lenz teach the apparatus to claim 28 as discussed above. Carpentier teaches the communication network is the Internet and/or an Intranet and/or a radio connection (Fig.15 # 968 #970: Internet 968 and LAN 970 (Local Area Network) that is also Intranet. Therefore, the communication network includes "wireless" LAN that works over radio connection is also taught by Carpentier).



**As per claim 30**, Carpentier and Lenz teach the apparatus to claim 26 as discussed above. Lenz teaches a configuration of the apparatus, using the configuration data which is present in the second file, can be carried out automatically after the second file has been loaded onto the apparatus (Abstract lines 7-12: the configuration file (second file) that is used by the client to configure its system and it is performed (carried out) automatically during runtime).

**As per claim 31**, Carpentier and Lenz teach the apparatus to claim 19 as discussed above. Lenz teaches the apparatus is coupled to a communication network (Abstract lines 1-3: client (apparatus) is coupled to network and is updated by server) and the device is a motor (Page 1 lines 15-17: Administrators maintain the operational integrity of the machines attached to the network. The machine is equivalent to a motor) and Carpentier teaches the communication network taken from the group of an intranet, the internet and a radio-connected network (Fig.15 # 968 #970: Internet 968 and LAN 970 (Local Area Network) that is also Intranet. Therefore, the communication network includes "wireless" LAN that works over radio connection is also taught by Carpentier).

**As per claims 32 and 33**, Carpentier and Lenz teach the apparatus to claim 26 as discussed above. Lenz teaches an update of the file directory structure and the configuration data can be carried out by overwriting an original file version of the second

file with a new file version (Abstract: Server configured any client by only one file (second file) and the configuration includes updating any files, folders, file directory structure, configuration data and that configuration also can be carried out automatically by overwriting that one file by new file sent by server).

**As per claim 34**, Carpentier and Lenz teach the apparatus to claim 26 as discussed above. Lenz teaches after the second file has been updated, a previously set configuration data of the apparatus onto which the original file version of the second file was loaded, can automatically be checked and adapted (Abstract lines 7-12: the configuration file (second file) that is used by the client to configure its system and it is carried out automatically during runtime. Therefore, that configuration data of the second file can automatically be checked and adapted before installing in device is also part of the teaching of Lenz).

**As per claim 35**, Carpentier and Lenz teach the apparatus to claim 19 as discussed above. Carpentier teaches the apparatus is an embedded device (Page 19, lines 18-19: This descriptor file includes meta data that identifies a software plug-in (embedded device) in any suitable fashion).

**As per claim 36**, Carpentier and Lenz teach the apparatus to claim 19 as discussed above. Carpentier teaches the apparatus is an automation device (Page 19, lines 22-24: When files are retrieved by the software agent by using the descriptor file,

Art Unit: 2169

the software plug-in is identified, located and automatically installed (automation device) upon the user's computer).

**Claim 37** contains the same subject matters as claim 19. Therefore, it is essentially rejected for the same reason as discussed in claim 19 above.

### ***Conclusion***

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

**Contact Information**


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phong Nguyen whose telephone number is 571-270-1766. The examiner can normally be reached on Monday-Friday, 7:30am - 5:00pm EST Alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chace can be reached on 571-272-4190. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

June 12, 2007

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